

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KING SPIDER LLC,

Plaintiff

v.

884886 CH STORE, 8888888888888888 STORE, 9.9 DROP SHIPPING STORE, ALICEJULY STORE, ARMYCAL STORE, AT666 STORE, AYRBAO DROP SHIP STORE, BABYOUNG CLOTHING 2ND STORE, BABYOUNG CLOTHING 3TH STORE, BANG FOR BUCK STORE, BAOLIWEN STORE, BOBO HANDSOME STORE, BUYBUYBUY STORE, CARL-1 DANIELS STORE, CHATGPT BEST STORE, DA FELLA STORE, DESERT SPRING, DONGGUAN QICHENG GARMENT CO., LTD., DONGGUAN SHIAN TECHNOLOGY CO., LTD., DOREMIXXX STORE, ESSENTIALS DROPSHIPPING STORE, FAR FOREVER STORE, FASHION YOUNG PEOPLE STORE, FASHIONBESTBUY STORE, FFOG STORE, FOSHAN CHANCHENG YOKU SHOE FIRM, FOSHAN PEANUT XISHI TRADING CO., LTD., GLFS STORE, GOOD DAY0205 STORE, GUANGZHOU YUHAOTONG TRADING CO., LTD., HIGH QUALITY FLAGSHIP FACTORY STORE, HIP FRIEND STORE, KEEP GOVING STORE, LDCLFY180212 STORE, LISA DISCOUNT STORE STORE, LUXURY FASHION DESIGNER STORE, MPSTUIDOS STORE, MR-WARDROBE STORE, OT MEN STORE, OVERSIZED STREETWEAR STORE, PANG-1983 STORE, PREMIUM CUSTOM LUXURY STORE, QUANZHOU BEST SUPPLY CHAIN MANAGEMENT CO., LTD., SHARE 819 STORE, SHINE-SUN STORE, SHOP1102089593 STORE, SHOP1102193611 STORE, SHOP1102194552 STORE, SHOP1102269349 STORE, SHOP1102438390 STORE, SHOP1102651876 STORE, SHOP1102685068 STORE, SHOP1102709057 STORE, SHOP1102723100 STORE, SHOP4411017 STORE, SHUJIEXU STORE, STREETWEAR-SUP STORE, TEACHER911 STORE, WELL DONE CLOTHING STORE, WORLD HOODIES FACTORY STORE, XXDAI STORE, YSM171004 STORE, YUNYUN HIGH-QUALITY CLOTHING

Civil Case No.: 23-cv-3472
(JMF)

[PROPOSED]

1) TEMPORARY RESTRAINING ORDER; 2) ORDER RESTRAINING NEW MERCHANT DEFENDANTS' MERCHANT STOREFRONTS AND NEW MERCHANT DEFENDANTS' ASSETS WITH THE FINANCIAL INSTITUTIONS; 3) ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE; 4) ORDER AUTHORIZING BIFURCATED AND ALTERNATIVE SERVICE; AND 5) ORDER AUTHORIZING EXPEDITED DISCOVERY

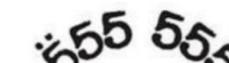
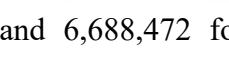
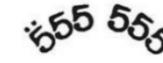
STORE, YYDS STORE STORE, ZHUO YUE FASHION STORE, AFTER 17 STORE, ALIBABA.COM HONG KONG LTD., ALIBABA.COM SINGAPORE E-COMMERCE PTE. LTD, ALIEXPRESS E-COMMERCE ONE PTE. LTD., ALL TOO WELL STORE, BELIEFS STORE, DONGGUAN RAMAX FASHION CO., LTD., DONGGUAN XINGMAI APPAREL CO., LTD., DONGGUAN XINYI CLOTHING CO., LTD., DONGGUAN YIJIA CLOTHING CO., LTD., GODDESS OF LUCK STORE, GUANGXI YULIN BISEN FOREIGN TRADE SERVICE CO., LTD., GUANGXI YULIN HUIWANGXIN FOREIGN TRADE SERVICE CO., LTD., GUANGZHOU BAOYUE GARMENT CO., LTD., GUANGZHOU BOXU TRADING CO., LTD., GUANGZHOU FANSHENG TRADE CO., LTD., GUANGZHOU HEALY APPAREL CO., LTD., GUANGZHOU JIEZHAN TRADING CO., LIMITED, GUANGZHOU LUOSI INTERNATIONAL TRADING CO., LTD., GUANGZHOU YIQI INFORMATION TECHNOLOGY CO., LTD, HUBEI HUI LI APPAREL CO., LTD., JIANGSU KEYING TECHNOLOGY CO., LTD., JIANGXI YI LINGZHI CLOTHING CO., LTD., JIANGXI YILILE IMP.& EXP. CO., LTD., JINJIANG CHENGWEN SUPPLY CHAIN MANAGEMENT., LTD., LINGLONGFS STORE, NANCHANG DAILI CLOTHING CO., LTD., OOTDFASHION STORE, QUE LA FAMIL LE STORE, QINGHUA CLOTHING STORE, HULI DISTRICT, XIAMEN CITY, ROMANTIC HOUSE 24 STORE, SHANGRAO NIGHT LISTENING TRADING CO., LTD., SHAOXING JINGUO GARMENT&FURNISHINGS CO.,LTD, SHENZHEN CHAOTIAN TRADE CO., LTD., SHENZHEN OTI TEXTILE TECHNOLOGY CO., LTD., SHOP3561002 STORE, SHOPINVINCIBLE QUALITY STORE, TIANJIN MAIHE ELECTRONIC COMMERCE CO., LTD., WOMEN CLOTHES FACTORY STORE, XI 'AN AVIATION BASE XIN GANZHEN DEPARTMENT STORE, XIAMEN LINGYAO TECHNOLOGY CO., LTD., XIAMEN XIAOTIAN TWILIGHT TECHNOLOGY CO., LTD., XIAMEN YIYUANSEN TRADING CO., LTD., YIWU PARTYLAND COSTUMES CO., LTD., ZHENGZHOU SHANGZHIJIE TRADING CO., LTD., and ZHENPING COUNTY CANSHU CLOTHING STORE,

Defendants

GLOSSARY

Term	Definition
Plaintiff or King Spider	King Spider LLC
Original Merchant Defendants	884886 CH Store, 8888888888888888 Store, 9.9 drop shipping Store, ALICEJULY Store, Armycal Store, AT666 Store, Ayrbao Drop Ship Store, Babyoung Clothing 2nd Store, Babyoung Clothing 3th Store, Bang For Buck Store, BAOLIWEN Store, BOBO Handsome Store, Buybuybuy Store, Carl-1 Daniels Store, ChatGPT BesT Store, Da Fella Store, Desert Spring, Dongguan Qicheng Garment Co., Ltd., Dongguan Shian Technology Co., Ltd., DOREMIXXX Store, Essentials Dropshipping Store, FAR FOREVER Store, Fashion Young People Store, fashionbestbuy Store, FFOG Store, Foshan Chancheng Youku Shoe Firm, Foshan Peanut Xishi Trading Co., Ltd., GLFS Store, Good Day0205 Store, Guangzhou Yuhaotong Trading Co., Ltd., High Quality Flagship Factory Store, Hip Friend Store, Keep Goving Store, LDCLFY180212 Store, Lisa discount store Store, Luxury Fashion Designer Store, MPstuidos Store, mr-wardrobe Store, OT Men Store, Oversized Streetwear Store, Pang-1983 Store, Premium Custom Luxury Store, Quanzhou Best Supply Chain Management Co., Ltd., Share 819 Store, Shine-sun Store, Shop1102089593 Store, Shop1102193611 Store, Shop1102194552 Store, Shop1102269349 Store, Shop1102438390 Store, Shop1102651876 Store, Shop1102659824 Store, Shop1102685068 Store, Shop1102709057 Store, Shop1102723100 Store, Shop4411017 Store, Shujiexu Store, Streetwear-Sup Store, Teacher911 Store, Well Done Clothing Store, World Hoodies Factory Store, XXDai Store, Ysm171004 Store, Yunyun High-quality Clothing Store, YYDS Store Store and Zhuo Yue Fashion Store
New Merchant Defendants	After 17 Store, All Too Well Store, Beliefs Store, Dongguan Ramax Fashion Co., Ltd., Dongguan Xingmai Apparel Co., Ltd., Dongguan Xinyi Clothing Co., Ltd., Dongguan Yijia Clothing Co., Ltd., Goddess of luck Store, Guangxi Yulin Bisen Foreign Trade Service Co., Ltd., Guangxi Yulin Huiwangxin Foreign Trade Service Co., Ltd., Guangzhou Baoyue Garment Co., Ltd., Guangzhou Boxu Trading Co., Ltd., Guangzhou Fansheng Trade Co., Ltd., Guangzhou Healy Apparel Co., Ltd., Guangzhou Jiezhan Trading Co., Limited, Guangzhou Luosi International Trading Co., Ltd., Guangzhou Yiqi Information Technology Co., Ltd, Hubei Hui Li Apparel Co., Ltd., Jiangsu Keying Technology Co., Ltd., Jiangxi Yi Lingzhi Clothing Co., Ltd., Jiangxi Yilile Imp.& Exp. Co., Ltd., Jinjiang Chengwen Supply Chain Management., Ltd., LINGLONGFS Store, Nanchang Daili

	Clothing Co., Ltd., Ootdfashion Store, QUE LA FAMIL LE Store, Qinghua Clothing Store, Huli District, Xiamen City, Romantic House 24 Store, Shangrao Night Listening Trading Co., Ltd., Shaoxing Jinguo Garment&Furnishings Co.,Ltd, Shenzhen Chaotian Trade Co., Ltd., Shenzhen Oti Textile Technology Co., Ltd., Shop3561002 Store, ShopInvincible Quality Store, Tianjin Maihe Electronic Commerce Co., Ltd., Women Clothes Factory Store, Xi 'an Aviation Base Xin Ganzhen Department Store, Xiamen Lingyao Technology Co., Ltd., Xiamen Xiaotian Twilight Technology Co., Ltd., Xiamen Yiyuansen Trading Co., Ltd., Yiwu Partyland Costumes Co.,Ltd., Zhengzhou Shangzhijie Trading Co., Ltd., and Zhenping County Canshu Clothing Store
Merchant Defendants	Original Merchant Defendants and New Merchant Defendants
Alibaba Defendants	Alibaba.com Hong Kong Ltd., Alibaba.com Singapore E-Commerce Pte. Ltd. and AliExpress E-Commerce One Pte. Ltd.
Defendants	Merchant Defendants and Alibaba Defendants
Alibaba	Alibaba.com Singapore E-Commerce Ptd. Ltd. and/or any other entity that owns and/or operates the Alibaba.com online marketplace platform, which allows manufacturers, wholesalers and other third-party merchants, like Defendants, to advertise, offer for sale, sell, distribute and ship their wholesale and retail products originating from China directly to consumers across the world and specifically to consumers residing in the U.S., including New York
AliExpress	AliExpress E-Commerce One Pte., Ltd. and/or any other entity that owns and/or operates the Alibaba.com online marketplace platform, which allows manufacturers, wholesalers and other third-party merchants, like Defendants, to advertise, offer for sale, sell, distribute and ship their wholesale and retail products originating from China directly to consumers across the world and specifically to consumers residing in the U.S., including New York
Alibaba Platforms	Alibaba, AliExpress, 1688.com, Taobao.com and Tmall.com
Epstein Drangel	Epstein Drangel LLP, counsel for Plaintiff
New York Address	244 Madison Ave, Suite 411, New York, New York 10016
Complaint	Plaintiff's Complaint filed on April 24, 2023
Original TRO Application	Plaintiff's <i>ex parte</i> Application for: 1) a temporary restraining order; 2) an order restraining Defendants' Merchant Storefronts (as defined <i>infra</i>) and Defendants' Assets (as defined <i>infra</i>) with the Financial Institutions (as defined <i>infra</i>); 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service and 5) an order authorizing expedited discovery filed on April 26, 2023
Original TRO Application MOL	Memorandum of Law filed in support of Plaintiff's Original TRO Application

Second TRO Application	Plaintiff's <i>ex parte</i> Application for: 1) a temporary restraining order; 2) an order restraining Defendants' Merchant Storefronts (as defined <i>infra</i>) and Defendants' Assets (as defined <i>infra</i>) with the Financial Institutions (as defined <i>infra</i>); 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service and 5) an order authorizing expedited discovery filed on October 9, 2023
Original Rucker Dec.	Declaration of CB Rucker in Support of Plaintiff's Original TRO Application
Original Nastasi Dec.	Declaration of Gabriela N. Nastasi in Support of Plaintiff's Original TRO Application
Sp5der Products	A young, successful high-end lifestyle streetwear line founded by American rapper, Young Thug, specializing in men's and women's apparel, accessories, bags and other ready-made goods
Second Rucker Dec.	Declaration of CB Rucker in Support of Plaintiff's Second TRO Application
Second Nastasi Dec.	Declaration of Gabriela N. Nastasi in Support of Plaintiff's Second TRO Application
Sp5der Registrations	U.S. Trademark Registration Nos.: 6,512,199 for "SP5DER" for  a variety of goods in Class 25; 6,681,320 "  " for a variety of goods in Class 25; 7,049,772 "  " for a variety of goods in Class 25; 7,031,211 "  " for a variety of goods in Class 25; and 6,688,472 for "  " for a variety of goods in Class 25
Sp5der Applications	U.S. Application Nos.: 97/141,401 for "555 555" for a variety of goods in Classes 9, 25 and 41; 97/141,377 "SP5DER" for a variety of goods in Classes 9, 35 and 41; 88/490,200 "KING SPIDER" for a variety of goods in Class 25; 88/779,551 for "SP5 WORLDWIDE" for a variety of goods in Class 25; 90/298,790 "SP5" for a variety of goods in Class 25; 88/812,557 for "SP5WOM" for a variety of goods in Class 25; 97/141,407 "  " for a variety of goods in Classes 9 and 41; 90/183,203 "  " for a variety of goods in Class 25; 97/141,391 "  " for a variety of goods in Classes

	<p style="text-align: center;">SP5WOM  9 and 41; 90/271,508 " " for a variety of goods  in Class 25; 90/183,210 " " for a variety of goods in  Class 25; and 97/141,416 " " for a variety of goods in Classes 9 and 41</p>
Sp5der Marks	The marks covered by the Sp5der Registrations and Sp5der Applications
Counterfeit Products	Products bearing or used in connection with the Sp5der Marks, and/or products in packaging and/or containing labels bearing the Sp5der Marks, and/or bearing or used in connection with marks that are confusingly similar to the Sp5der Marks and/or products that are identical or confusingly similar to the Sp5der Products
Infringing Listings	Defendants' listings for Counterfeit Products
User Accounts	Any and all websites and any and all accounts with online marketplace platforms such as Alibaba and/or AliExpress, as well as any and all as yet undiscovered accounts with additional online marketplace platforms held by or associated with Merchant Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them
Merchant Storefronts	Any and all User Accounts through which Merchant Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them operate storefronts to manufacture, import, export, advertise, market, promote, distribute, display, offer for sale, sell and/or otherwise deal in Counterfeit Products, which are held by or associated with Merchant Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them
Defendants' Assets	Any and all money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad)
Defendants' Financial Accounts	Any and all financial accounts associated with or utilized by any Defendants or any Defendants' User Accounts or Merchant Storefront(s) (whether said account is located in the U.S. or abroad)
Financial Institutions	PayPal Inc. ("PayPal"), Payoneer Inc. ("Payoneer"), the Alibaba Group d/b/a Alibaba.com payment services (e.g., Alipay.com Co., Ltd., Ant Financial Services Group) and PingPong Global Solutions, Inc. ("PingPong")
Third Party Service Providers	Online marketplace platforms, including, without limitation, Alibaba and/or AliExpress, as well as any and all as yet undiscovered online marketplace platforms and/or entities

	through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them manufacture, import, export, advertise, market, promote, distribute, offer for sale, sell and/or otherwise deal in Counterfeit Products which are hereinafter identified as a result of any order entered in this action, or otherwise
Original TRO	The Temporary Restraining Order against the Original Merchant Defendants, Third Party Service Providers and Financial Institutions entered by the Court on May 2, 2023
Original PI Order	The Preliminary Injunction Order against the Original Merchant Defendants, Third Party Service Providers and Financial Institutions entered by the Court on May 30, 2023

On this day, the Court considered Plaintiff's *ex parte* application for the following: 1) a temporary restraining order; 2) an order restraining New Merchant Defendants' Merchant Storefronts and New Merchant Defendants' Assets with the Financial Institutions; 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service and 5) an order authorizing expedited discovery against New Merchant Defendants, Third Party Service Providers and Financial Institutions in light of New Merchant Defendants' intentional and willful offerings for sale and/or sales of Counterfeit Products.¹ A complete list of New Merchant Defendants is attached hereto as **Schedule A**, which also includes links to New Merchant Defendants' Merchant Storefronts and Infringing Listings. Having reviewed the Second TRO Application, Declarations of CB Rucker and Gabriela N. Nastasi, along with exhibits attached thereto and other evidence submitted in support thereof, the Court makes the following findings of fact and conclusions of law:

PRELIMINARY FACTUAL FINDINGS & CONCLUSIONS OF LAW

1. Sp5der, launched by Plaintiff in or about 2019 by American rapper Young Thug, is a successful and high-end lifestyle streetwear line of men's and women's apparel, accessories, bags and other ready-made goods which are distributed in the United States and abroad.
2. The Sp5der Products are marketed under the Sp5der Marks. The Sp5der Brand is recognized for its familiar motifs, including rhinestones and spider webs, as well as its eccentric design language.
3. The Sp5der Products are sold exclusively direct to consumer via King Spider's official website, <https://kingspider.co>.
4. The Sp5der Products are only sold in periodic quantity-limited releases in which

¹ Where a defined term is referenced herein and not defined herein, the defined term should be understood as it is defined in the Glossary.

the Sp5der Products are not restocked once they sell out and in each quantity-limited release the supply of Sp5der Products made is intentionally low.

5. The Sp5der Products are currently and have always been manufactured in the United States and Pakistan only,² and are not sold in or sold from China, nor are any sellers, including New Merchant Defendants, authorized to sell Sp5der Products on Alibaba or AliExpress.

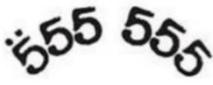
6. The Sp5der Products typically retail for between \$25.00 - \$1,000.00.

7. While Sp5der has gained significant common law trademark and other rights in its Sp5der Marks and Sp5der Products through use, advertising and promotion, Sp5der also protected its valuable rights by filing for and obtaining federal trademark registrations.

8. For example, King Spider owns the following U.S. Trademark Registration Nos.:

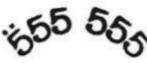
6,512,199 for “SP5DER” for a variety of goods in Class 25; 6,681,320 “” for a

variety of goods in Class 25; 7,049,772 “” for a variety of goods in Class 25;

7,031,211 “” for a variety of goods in Class 25; and 6,688,472 for “

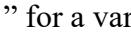
 ” for a variety of goods in Class 25. King Spider has also applied for the registration of U.S. Application Nos.: 97/141,401 for “555 555” for a variety of goods in Classes 9, 25 and 41; 97/141,377 “SP5DER” for a variety of goods in Classes 9, 35 and 41; 88/490,200 “KING SPIDER” for a variety of goods in Class 25; 88/779,551 for “SP5 WORLDWIDE” for a variety

² The only Sp5der Products that are and have ever been manufactured in China are belts, which have not and/or are not being sold by any of the New Merchant Defendants.

of goods in Class 25; 90/298,790 "SP5" for a variety of goods in Class 25; 88/812,557 for "SP5WOM" for a variety of goods in Class 25; 97/141,407 "  " for a variety of goods in Classes 9 and 41; 90/183,203 "  " for a variety of goods in Class 25; 97/141,391 "

  " for a variety of goods in Classes 9 and 41; 90/271,508 "  " for a variety of goods in Class 25;

for a variety of goods in Class 25; 90/183,210 "  " for a variety of goods in Class 25;

 and 97/141,416 "  " for a variety of goods in Classes 9 and 41.

9. The Sp5der Marks are currently in use in commerce in connection with the Sp5der Products.

10. New Merchant Defendants are manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying and/or offering for sale Counterfeit Products through New Merchant Defendants' User Accounts and Merchant Storefronts with Alibaba and AliExpress (see Schedule A for links to New Merchant Defendants' Merchant Storefronts and Infringing Listings).

11. New Merchant Defendants are not, nor have they ever been, authorized distributors or licensees of the Sp5der Products. Plaintiff has not consented to New Merchant Defendants' use of the Sp5der Marks, nor has Plaintiff consented to New Merchant Defendants' use of marks that are confusingly similar to, identical to and constitute a counterfeiting or infringement of the Sp5der Marks.

12. Plaintiff is likely to prevail on its Lanham Act and related common law claims at

trial.

13. As a result of New Merchant Defendants' infringements, Plaintiff, as well as consumers, are likely to suffer immediate and irreparable losses, damages and injuries before New Merchant Defendants can be heard in opposition, unless Plaintiff's Application for *ex parte* relief is granted:

- a. New Merchant Defendants have offered for sale and sold substandard Counterfeit Products that infringe the Sp5der Marks;
- b. Plaintiff has well-founded fears that more Counterfeit Products will appear in the marketplace; that consumers may be misled, confused and disappointed by the quality of these Counterfeit Products, resulting in injury to Plaintiff's reputation and goodwill; and that Plaintiff may suffer loss of sales for the Sp5der Products; and
- c. Plaintiff has well-founded fears that if they proceed on notice to New Merchant Defendants on this Application, New Merchant Defendants will: (i) secret, conceal, destroy, alter, sell-off, transfer or otherwise dispose of or deal with Counterfeit Products or other goods that infringe the Sp5der Marks, the means of obtaining or manufacturing such Counterfeit Products, and records relating thereto that are in their possession or under their control, (ii) inform their suppliers and others of Plaintiff's claims with the result being that those suppliers and others may also secret, conceal, sell-off or otherwise dispose of Counterfeit Products or other goods infringing the Sp5der Marks, the means of obtaining or manufacturing such Counterfeit Products, and records relating thereto that are in their possession or under their control, (iii) secret, conceal, transfer or otherwise dispose of their ill-gotten proceeds from its sales of Counterfeit Products or other goods infringing the Sp5der Marks and records

relating thereto that are in their possession or under their control and/or (iv) open new User Accounts and Merchant Storefront under new or different names and continue to offer for sale and sell Counterfeit Products with little to no consequence.

14. The balance of potential harm to New Merchant Defendants of being prevented from continuing to profit from their illegal and infringing activities if a temporary restraining order is issued is far outweighed by the potential harm to Plaintiff, its business, the goodwill and reputation built up in and associated with the Sp5der Marks and to its reputations if a temporary restraining order is not issued.

15. Public interest favors issuance of the temporary restraining order in order to protect Plaintiff's interests in and to its Sp5der Marks, and to protect the public from being deceived and defrauded by New Merchant Defendants' passing off of their substandard Counterfeit Products as Sp5der Products.

16. Plaintiff has not publicized its request for a temporary restraining order in any way.

17. Service on New Merchant Defendants via electronic means is reasonably calculated to result in proper notice to New Merchant Defendants.

18. If New Merchant Defendants are given notice of the Application, they are likely to secret, conceal, transfer or otherwise dispose of their ill-gotten proceeds from their sales of Counterfeit Products or other goods infringing the Sp5der Marks. Therefore, good cause exists for granting Plaintiff's request for an asset restraining order. It typically takes the Financial Institutions a minimum of five (5) days after service of the Order to locate, attach and freeze New Merchant Defendants' Assets and/or New Merchant Defendants' Financial Accounts and it is anticipated that it will take the Third Party Service Providers a minimum of five (5) days to freeze New Merchant Defendants' Merchant Storefronts. As such, the Court allows enough time for

Plaintiff to serve the Financial Institutions and Third Party Service Providers with this Order, and for the Financial Institutions and Third Party Service Providers to comply with the Paragraphs I(B)(1) and I(C)(1) of this Order, respectively, before requiring service on New Merchant Defendants.

19. Similarly, if New Merchant Defendants are given notice of the Application, they are likely to destroy, move, hide or otherwise make inaccessible to Plaintiff the records and documents relating to New Merchant Defendants' manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or sale of Counterfeit Products. Therefore, Plaintiff has good cause to be granted expedited discovery.

ORDER

Based on the foregoing findings of fact and conclusions of law, Plaintiff's Application is hereby **GRANTED** as follows:

I. Temporary Restraining Order

A. IT IS HEREBY ORDERED, as sufficient cause has been shown, that New Merchant Defendants are hereby restrained and enjoined from engaging in any of the following acts or omissions for ~~fourteen (14)~~ twenty-eight (28)* days from the date of this order, and for such further period as may be provided by order of the Court:

- 1) manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling and/or otherwise dealing in Counterfeit Products, or any other products bearing the Sp5der Marks and/or marks that are confusingly similar to, identical to and constitute a counterfeiting or infringement of the Sp5der Marks;
- 2) ~~operation of New Merchant Defendants' User Accounts and New Merchant Defendants' Merchant Storefronts, including, without limitation, continued operation~~

* The Court finds, pursuant to Rule 65(b)(2) of the Federal Rules of Civil Procedure, that good cause exists to extend this temporary restraining order for a duration of twenty-eight days because, in the Court's experience, service in this type of case is complex and unlikely to be effectuated within fourteen days.

- of New Merchant Defendants' User Accounts and Merchant Storefronts in violation of this Order;
- 3) directly or indirectly infringing in any manner Plaintiff's Sp5der Marks;
 - 4) using any reproduction, counterfeit, copy or colorable imitation of Plaintiff's Sp5der Marks to identify any goods or service not authorized by Plaintiff;
 - 5) using Plaintiff's Sp5der Marks and/or any other marks that are confusingly similar to the Sp5der Marks on or in connection with New Merchant Defendants' manufacturing, importing, exporting, advertising, marketing, promoting, distributing, offering for sale, selling and/or otherwise dealing in Counterfeit Products;
 - 6) using any false designation of origin or false description, or engaging in any action which is likely to cause confusion, cause mistake and/or to deceive members of the trade and/or the public as to the affiliation, connection or association of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by New Merchant Defendants with Plaintiff, and/or as to the origin, sponsorship or approval of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by New Merchant Defendants and New Merchant Defendants' commercial activities and Plaintiff;
 - 7) secreting, concealing, destroying, altering, selling off, transferring or otherwise disposing of and/or dealing with: (i) Counterfeit Products and/or (ii) any computer files, data, business records, documents or any other records or evidence relating to their User Accounts, Merchant Storefronts or New Merchant Defendants' Assets and the

- manufacture, importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products;
- 8) effecting assignments or transfers, forming new entities or associations, or creating and/or utilizing any other platform, User Account, Merchant Storefront or any other means of importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products for the purposes of circumventing or otherwise avoiding the prohibitions set forth in this Order; and
 - 9) knowingly instructing any other person or business entity to engage in any of the activities referred to in subparagraphs I(A)(1) through I(A)(8) above and I(B)(1) and I(C)(1) below.

B. IT IS HEREBY ORDERED, as sufficient cause has been shown, that New Merchant Defendants and all persons in active concert and participation with them who receive actual notice of this Order, including the Third Party Service Providers and Financial Institutions who satisfy those requirements and are identified in this Order are hereby restrained and enjoined from engaging in any of the following acts or omissions for ~~fourteen (14)~~ twenty-eight (28) days from the date of this order, and for such further period as may be provided by order of this Court:

- 1) secreting, concealing, transferring, disposing of, withdrawing, encumbering or paying New Merchant Defendants' Assets from or to New Merchant Defendants' Financial Accounts until further ordered by this Court.

C. IT IS HEREBY ORDERED, as sufficient cause has been shown, that immediately upon receipt of service of this Order, New Merchant Defendants and all persons in active concert and participation with them who receive actual notice of this Order, including the Third Party Service Providers who satisfy those requirements, are restrained and enjoined from engaging

twenty-eight (28)

in any of the following acts or omissions for ~~fourteen (14)~~ days from the date of this order, and for such further period as may be provided by order of this Court:

- 1) ~~operation of New Merchant Defendants' User Accounts and New Merchant Defendants' Merchant Storefronts, including, without limitation, continued operation of New Merchant Defendants' User Accounts and Merchant Storefronts in violation of this Order; and~~
- 2) ~~instructing, aiding, or abetting New Merchant Defendants and/or any other person or business entity in engaging in any of the activities referred to in subparagraphs I(A)(1) through I(A)(4), I(B)(1) and I(C)(1) above, including, without limitation, by providing services necessary for New Merchant Defendants to continue operating New Merchant Defendants' User Accounts and Merchant Storefronts in violation of this Order.~~

II. Order to Show Cause Why A Preliminary Injunction Should Not Issue And Order Of Notice

- A. New Merchant Defendants are hereby ORDERED to show cause before this Court in Courtroom 1105 of the United States District Court for the Southern District of New York at 40 Foley Square, New York, New York on December 5, 2023 at 2:15 p.m. or at such other time that this Court deems appropriate, why a preliminary injunction, pursuant to Fed. R. Civ. P. 65(a), should not issue.
- B. IT IS FURTHER ORDERED that opposing papers, if any, shall be filed electronically with the Court ~~and served on Plaintiff's counsel by delivering copies thereof to the office of Epstein Drangel LLP at 60 East 42nd Street, Suite 1250, New York, NY 10165, Attn: Jason M. Drangel~~ on or before November 28, 2023. Plaintiff shall file any Reply papers on or before

December 1, 2023. By the same date, Plaintiff shall file a Proposed Preliminary Injunction.

C. IT IS FURTHER ORDERED that New Merchant Defendants are hereby given notice that failure to appear at the show cause hearing scheduled in **Paragraph II(A)** above may result in the imposition of a preliminary injunction against them pursuant to Fed. R. Civ. P. 65, which may take effect immediately upon the expiration of this Order, and may extend throughout the length of the litigation under the same terms and conditions set forth in this Order.

III. Asset Restraining Order

A. IT IS FURTHER ORDERED pursuant to Fed. R. Civ. P. 64 and 65 and N.Y. C.P.L.R. 6201 and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, as sufficient cause has been shown, that within five (5) days of receipt of service of this Order, the Financial Institutions shall locate and attach New Merchant Defendants' Financial Accounts and shall provide written confirmation of such attachment to Plaintiff's counsel.

IV. Order Authorizing Bifurcated and Alternative Service by Electronic Means

A. IT IS FURTHER ORDERED pursuant to ~~Rule 4(f)~~ * of the Federal Rules of Civil Procedure and Articles 1 and 15 of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the "Hague Convention"), as sufficient cause has been shown, that service may be made on, and shall be deemed effective as to New Merchant Defendants if it is completed by the following means:

- 1) delivery of: (i) PDF copies of this Order together with the Summons and Complaint, and (ii) a link to a secure website (including NutStore, a large mail link created through Rmail.com and via website publication through a specific page dedicated to this

Lawsuit accessible through ipcounselorslawsuit.com) where each New Merchant
*Rule 4(f) of the Federal Rules of Civil Procedure and Articles 1 and 15 of the Convention on the
Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the "Hague
Convention")

Defendant will be able to download PDF copies of this Order together with the Summons and Complaint, and all papers filed in support of Plaintiff's Application seeking this Order to New Merchant Defendants' e-mail addresses to be determined after having been identified by Alibaba and AliExpress pursuant to **Paragraph V(C)**; or

- 2) delivery of a message to New Merchant Defendants through the same means that Plaintiff's agents have previously communicated with New Merchant Defendants, namely the system for communications established by the Third Party Service Providers on their respective platforms, notifying New Merchant Defendants that an action has been filed against them in this Court and providing a link to a secure website (such as NutStore or a large mail link created through Rmail.com) where each New Merchant Defendant will be able to download PDF copies of this Order together with the Summons and Complaint, and all papers filed in support of Plaintiff's Application seeking this Order.

B. IT IS FURTHER ORDERED, as sufficient cause has been shown, that such alternative service by electronic means ordered herein shall be made within five (5) days of the Financial Institutions and Third Party Service Providers' compliance with **Paragraphs III(A) and V(C)** of this Order.

C. IT IS FURTHER ORDERED, as sufficient cause has been shown, that the Clerk of the Court shall issue a single original summons directed to all New Merchant Defendants as listed in an attachment to the summons that will apply to all New Merchant Defendants.

D. IT IS FURTHER ORDERED, as sufficient cause has been shown, that service may be made and shall be deemed effective as to the following if it is completed by the below means:

- 1) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where PayPal Inc. will be able to download a PDF copy of this Order via electronic mail to PayPal Legal Specialist at EEOMALegalSpecialist@paypal.com;
- 2) delivery of: (i) a PDF copy of this Order, or (iii) a link to a secure website where AliPay.com Co., Ltd., Ant Financial Services will be able to download a PDF copy of this Order via electronic mail to Joyce Xiang at joyce.xiang@antgroup.com;
- 3) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where Alibaba and AliExpress will be able to download a PDF copy of this Order via electronic mail to IPR_USTRO@service.alibaba.com and IPR-USTRO@aliexpress.com;
- 4) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where Payoneer Inc. will be able to download a PDF copy of this Order via electronic mail to thirdpartyrequests@payoneer.com; and
- 5) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where PingPong Global Solutions Inc. will be able to download a PDF copy of this Order via electronic mail to legal-int@pingpongx.com.

V. Order Authorizing Expedited Discovery

A. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

- 1) Within fourteen (14) days after receiving service of this Order, each New Merchant Defendant shall serve upon Plaintiff's counsel a written report under oath providing:
 - a. their true name and physical address;
 - b. the name and location and URL of any and all websites that New Merchant Defendants own and/or operate and the name, location, account numbers and URL for any and all User Accounts and Merchant Storefronts on any Third Party Service Provider platform that New Merchant Defendants own and/or operate;

- c. the complete sales records for any and all sales of Counterfeit Products, including but not limited to number of units sold, the price per unit, total gross revenues received (in U.S. dollars) and the dates thereof;
 - d. the account details for any and all of New Merchant Defendants' Financial Accounts, including, but not limited to, the account numbers and current account balances; and
 - e. the steps taken by each New Merchant Defendant, or other person served to comply with **Section I**, above.
- 2) Plaintiff may serve interrogatories pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure as well as Local Civil Rule 33.3 of the Local Rules for the Southern and Eastern Districts of New York and New Merchant Defendants who are served with this Order shall provide written responses under oath to such interrogatories within fourteen (14) days of service to Plaintiff's counsel.
- 3) Plaintiff may serve requests for the production of documents pursuant to Fed. R. Civ. P. 26 and 34, and New Merchant Defendants who are served with this Order and the requests for the production of documents shall produce all documents responsive to such requests within fourteen (14) days of service to Plaintiff's counsel.
- B. IT IS FURTHER ORDERED, as sufficient cause has been shown, that within five (5) days of receipt of service of this Order the Financial Institutions served with this Order shall identify any and all of New Merchant Defendants' Financial Accounts, and provide Plaintiff's counsel with a summary report containing account details for any and all such accounts, which shall include, at a minimum, identifying information for New Merchant Defendants, including contact information for New Merchant Defendants (including, but not limited to, mailing

addresses and e-mail addresses), account numbers and account balances for any and all of New Merchant Defendants' Financial Accounts and confirmation of said compliance with this Order.

C. IT IS FURTHER ORDERED, as sufficient cause has been shown, that within five (5) days of receipt of service of this Order, the Third Party Service Providers served with this Order shall identify any and all of New Merchant Defendants' User Accounts and Merchant Storefronts, and provide Plaintiff's counsel with a summary report containing account details for any and all User Accounts and Merchant Storefronts, which shall include, at a minimum, identifying information for New Merchant Defendants and New Merchant Defendants' User Accounts and New Merchant Defendants' Merchant Storefronts, contact information for New Merchant Defendants (including, but not limited to, mailing addresses and e-mail addresses) and confirmation of said compliance with this Order.

D. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

- 1) Within fourteen (14) days of receiving actual notice of this Order, all Financial Institutions who are served with this Order shall provide Plaintiff's counsel all documents and records in their possession, custody or control (whether located in the U.S. or abroad) relating to any and all of New Merchant Defendants' Financial Accounts, including, but not limited to, documents and records relating to:
 - a. account numbers;
 - b. current account balances;
 - c. any and all identifying information for New Merchant Defendants, New Merchant Defendants' User Accounts and New Merchant Defendants' Merchant Storefronts, including, but not limited to, names, addresses and contact information;

- d. any and all account opening documents and records, including, but not limited to, account applications, signature cards, identification documents and if a business entity, any and all business documents provided for the opening of each and every of New Merchant Defendants' Financial Accounts;
- e. any and all deposits and withdrawals during the previous year from each and every one of New Merchant Defendants' Financial Accounts and any and all supporting documentation, including, but not limited to, deposit slips, withdrawal slips, cancelled checks and account statements; and
- f. any and all wire transfers into each and every one of New Merchant Defendants' Financial Accounts during the previous year, including, but not limited to, documents sufficient to show the identity of the destination of the transferred funds, the identity of the beneficiary's bank and the beneficiary's account number.

E. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

- 1) Within fourteen (14) days of receipt of service of this Order, the Third Party Service Providers served with this Order shall provide to Plaintiff's counsel all documents and records in its possession, custody or control (whether located in the U.S. or abroad) relating to New Merchant Defendants' User Accounts and New Merchant Defendants' Merchant Storefronts, including, but not limited to, documents and records relating to:
 - a. any and all User Accounts and New Merchant Defendants' Merchant Storefronts and account details, including, without limitation, identifying information and account numbers for any and all User Accounts and New Merchant Defendants' Merchant Storefronts that New Merchant Defendants have ever had and/or

- currently maintain with the Third Party Service Providers that were not previously provided pursuant to Paragraph V(C);
- b. the identities, location and contact information, including any and all e-mail addresses of New Merchant Defendants that were not previously provided pursuant to Paragraph V(C);
 - c. the nature of New Merchant Defendants' businesses and operations, methods of payment, methods for accepting payment and any and all financial information, including, but not limited to, information associated with New Merchant Defendants' User Accounts and New Merchant Defendants' Merchant Storefronts, a full accounting of New Merchant Defendants' sales history and listing history under such accounts and New Merchant Defendants' Financial Accounts with any and all Financial Institutions associated with New Merchant Defendants' User Accounts and New Merchant Defendants' Merchant Storefronts; and
 - d. New Merchant Defendants' manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or selling of Counterfeit Products, or any other products bearing the Sp5der Marks and/or marks that are confusingly similar to, identical to and constitute an infringement of the Sp5der Marks.

SO ORDERED.

SIGNED this 7th day of November, 2023, at 4:30 .pm.



Jesse M. Furman
HON. JESSE M. FURMAN
UNITED STATES DISTRICT JUDGE

SCHEDULE A

No.	Defendant	Infringing Listing	Merchant Storefront
1	After 17 Store	https://www.aliexpress.us/item/3256805714304758	https://www.aliexpress.com/store/1102061040
2	All Too Well Store	https://www.aliexpress.us/item/3256804924957967	https://www.aliexpress.com/store/1101293774
3	Beliefs Store	https://www.aliexpress.us/item/3256804822384654	https://www.aliexpress.com/store/1101458495
4	Dongguan Ramax Fashion Co., Ltd.	https://www.alibaba.com/product-detail/High-Quality-100-Cotton-Oversized-Hoodie_1600823272333	https://ramaxfashion.en.alibaba.com/minisiteentrance.html
5	Dongguan Xingmai Apparel Co., Ltd.	https://www.alibaba.com/product-detail/High-Quality-Custom-Logo-Pattern-No_160082190901	https://stellar garment.en.alibaba.com/minisiteentrance.html
6	Dongguan Xinyi Clothing Co., Ltd.	https://www.alibaba.com/product-detail/XINYI-Mens-Sweat-Suits-Spider-Hoodie_1600794104683	https://dgxinyif.en.alibaba.com/minisiteentrance.html
7	Dongguan Yijia Clothing Co., Ltd.	https://www.alibaba.com/product-detail/High-Quality-Custom-rhinestone-streetwear-hoodie_1600895387144	https://qxm.en.alibaba.com/minisiteentrance.html
8	Goddess of luck Store	https://www.aliexpress.us/item/3256805487093211	https://www.aliexpress.com/store/1101467255
9	Guangxi Yulin Bisen Foreign Trade Service Co., Ltd.	https://www.aliexpress.us/item/3256805594917013	https://www.aliexpress.com/store/1102880187
10	Guangxi Yulin Huiwangxin Foreign Trade Service Co., Ltd.	https://www.aliexpress.us/item/3256805625148854	https://www.aliexpress.com/store/1102909096
11	Guangzhou Baoyue Garment Co., Ltd.	https://www.alibaba.com/product-detail/Baoyue-Young-Thug-Pink-Spider-Hoodie_1600848451640	https://chinabaoyue.en.alibaba.com/minisiteentrance.html
12	Guangzhou Boxu Trading Co., Ltd.	https://www.alibaba.com/product-detail/child-star-S-p5der-555555-Pink_1600892955304	https://starts8885.en.alibaba.com/minisiteentrance.html
13	Guangzhou Fansheng Trade Co., Ltd.	https://www.alibaba.com/product-detail/SP-5der-555555-ANGEL-NUMBER-PANTS_1600890590896	https://lotin.en.alibaba.com/productlist.html
14	Guangzhou Healy Apparel Co., Ltd.	https://www.alibaba.com/product-detail/Custom-Luxury-Oversize-Pullover-Sweatshirt-With_1600541423844	https://healsport.en.alibaba.com/minisiteentrance.html
15	Guangzhou Jiezhuan Trading Co., Limited	https://www.alibaba.com/product-detail/INFLATION-Custom-tracksuit-Spider-Custom-hoodies_1600862573383	https://inflation.en.alibaba.com/minisiteentrance.html
16	Guangzhou Luosi International Trading Co., Ltd.	https://www.alibaba.com/product-detail/2023-Young-Thug-555555-Pants-Hoodie_1600892730142	https://luosi.en.alibaba.com/minisiteentrance.html
17	Guangzhou Yiqi Information Technology Co., Ltd	https://www.aliexpress.us/item/3256805544862189	https://selerit.selerit.ar.aliexpress.com/store/1102065246
18	Hubei Hui Li Apparel Co., Ltd.	https://www.alibaba.com/product-detail/2023huili-factory-manufacture-heavyweight-black-mens_1600698674909	https://hui li apparel.en.alibaba.com/minisiteentrance.html
19	Jiangsu Keying Technology Co., Ltd.	https://www.alibaba.com/product-detail/KY-High-Young-Thug-Pink-Hoodie_1600832816250	https://keyingtechnology.en.alibaba.com/minisiteentrance.html
20	Jiangxi Yi Lingzhi Clothing Co., Ltd.	https://www.alibaba.com/product-detail/black-Foam-Printing-Young-custom-Hoodie_1600335558101	https://yilingzhi.en.alibaba.com/minisiteentrance.html
21	Jiangxi Yilie Imp. & Exp. Co., Ltd.	https://www.alibaba.com/product-detail/HD518-black-Foam-Printing-Young-custom_1600479579556	https://yilebeauty.en.alibaba.com/minisiteentrance.html
22	Jinjiang Chengwen Supply Chain Management., Ltd.	https://www.aliexpress.us/item/3256804802498568	https://www.aliexpress.com/store/1101774180
23	LINGLONGFIS Store	https://www.aliexpress.us/item/3256805619903778	https://www.aliexpress.com/store/1101826009
24	Nanchang Daili Clothing Co., Ltd.	https://www.alibaba.com/product-detail/Hip-Hop-Puff-Printing-Hoodie-High_1600706579865	https://ncdaili.en.alibaba.com/minisiteentrance.html
25	Ootdfashion Store	https://www.aliexpress.us/item/3256805577849529	https://www.aliexpress.com/store/1102903191
26	Qinghua Clothing Store, Huli District, Xiamen City	https://www.aliexpress.us/item/3256805664309081	https://www.aliexpress.com/store/1101895268
27	QUE LA FAMIL LE Store	https://www.aliexpress.us/item/3256805619873029	https://www.aliexpress.com/store/1101686603
28	Romantic House 24 Store	https://www.aliexpress.us/item/325680491010356	https://www.aliexpress.com/store/1101780914
29	Shangrao Night Listening Trading Co., Ltd.	https://www.aliexpress.us/item/3256805579651116	https://www.aliexpress.com/store/1102658164
30	Shaoxing Jinguo Garment&Furnishings Co.,Ltd	https://www.alibaba.com/product-detail/High-Street-Sports-Foam-Printing-Spider_1600517066611	https://jingugu garment.en.alibaba.com/minisiteentrance.html
31	Shenzhen Chaotian Trade Co., Ltd.	https://www.alibaba.com/product-detail/Young-Thug-hip-hop-Kanye-mens_1600583847319	https://ctmyca.en.alibaba.com/minisiteentrance.html
32	Shenzhen Oti Textile Technology Co., Ltd.	https://www.alibaba.com/product-detail/Oti-Textile-Manufacturers-For-Customs-Men_1600913940303	https://autospin.en.alibaba.com/minisiteentrance.html
33	Shop3561002 Store	https://www.aliexpress.us/item/3256805620027303	https://www.aliexpress.com/store/1101276566
34	ShopInvincible Quality Store	https://www.aliexpress.us/item/3256805566284701	https://www.aliexpress.com/store/1102880187
35	Tianjin Maihe Electronic Commerce Co., Ltd.	https://www.aliexpress.us/item/325680551935326	https://www.aliexpress.com/store/1101546937
36	Women Clothes Factory Store	https://www.aliexpress.us/item/3256805466445010	https://www.aliexpress.com/store/1102696276
37	Xi'an Aviation Base Xin Ganzhen Department Store	https://www.aliexpress.us/item/325680552387444	https://www.aliexpress.com/store/1101365232
38	Xiamen Lingyao Technology Co., Ltd.	https://www.alibaba.com/product-detail/Fashion-Trend-Brand-Street-Style-Young_1600870084102	https://mxhyhs11.en.alibaba.com/minisiteentrance.html
39	Xiamen Xiaotian Twilight Technology Co., Ltd.	https://www.alibaba.com/product-detail/Custom-designer-fashion-cut-plain-hoodies_1600868509949	https://xmxtms.en.alibaba.com/minisiteentrance.html
40	Xiamen Yiyuanse Trading Co., Ltd.	https://www.alibaba.com/product-detail/2023-Hip-Hop-Letter-55555-3d_1600902825270	https://ysapparel.en.alibaba.com/minisiteentrance.html
41	Yiwu Partyland Costumes Co., Ltd.	https://www.alibaba.com/product-detail/Popular-Design-apparel-design-services-hoodie_1600618954633	https://michaelxdxcn.en.alibaba.com/minisiteentrance.html
42	Zhengzhou Shangzhijie Trading Co., Ltd.	https://www.aliexpress.us/item/325680582992384	https://www.aliexpress.com/store/1102903191
43	Zhenping County Canshu Clothing Store	https://www.aliexpress.us/item/3256805633261043	https://www.aliexpress.com/store/1102777212